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GAO's Congressional Protocols

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This document contains the protocols governing the General Accounting Office's (GAO) work for the Congress. The need for these protocols was consistently voiced to me by Members of the Congress and their staffs since my nomination as Comptroller General. I firmly believe they will enable GAO to better serve the Congress, improve satisfaction with our work, and ensure equitable treatment of all requesters.

These protocols are intended to provide clearly defined and transparent policies and practices relating to GAO's work. They also provide a means of holding GAO accountable for commitments made to the Congress and ensuring that GAO is consistent in dealing with all committees and Members. They reflect a number of refinements made on the basis of feedback from Members and staff during our trial implementation phase (January 2000 to September 2000).

Along with all members of the GAO team, I look forward to using these protocols to continue to serve the Congress for the benefit of the American people. We will continue to monitor the application of these protocols and will consider what, if any, changes should be made in the future. Any changes will be made in consultation with the Congress. I encourage you to contact our Office of Congressional Relations on (202) 512-4400 if you have any questions or comments on these protocols.

David M. Walker
Comptroller General
of the United States

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GAO's Congressional Protocols

The following protocols are general principles governing GAO work for the Congress involving audits, program reviews and evaluations, analyses, and investigations.

GAO's Approach

To effectively support the Congress, GAO must be professional, objective, fact-based, nonpartisan, nonideological, fair, and balanced in all its work. All GAO products and services should conform to generally accepted and applicable auditing, accounting, investigative, and evaluation principles and standards. GAO will only undertake work that is within its scope of authority and competency. GAO will strive to meet the Congress' needs within available resources and exercise the independence necessary to guarantee that its products and work conform to professional standards and the agency's core values of accountability, integrity, and reliability.

Sources of GAO Work

GAO undertakes work through three primary means: (1) congressional mandates, (2) congressional requests, and (3) legal authority allowing GAO to undertake work intended to support the Congress.

Setting Priorities

GAO has a statutory obligation to fulfill requests from the Congress and its committees. To effectively accomplish this obligation, GAO senior officials consult regularly with committee Members and their staffs to ensure that GAO's work is prioritized in accordance with the committees' needs and GAO's resources by subject matter. To ensure adherence to GAO's core values, effective management practices, and efficient use of available resources, GAO will prioritize its work in the following order.

1. Congressional mandates, senior leader requests, and committee leader requests

2. Committee Member requests

3. Individual Member requests

Congressional mandates include requirements specifically directed by statutes, conference reports, or committee reports. Senior leader requests include requests from the President Pro Tempore, Senate Majority Leader, Senate Minority Leader, Speaker of the House, House Majority Leader, or House Minority Leader. Committee leader requests are those from the committee or subcommittee Chair, Ranking Minority Member (Ranking Member), or both, on a program or activity within the committee's jurisdiction. Committee Member requests are those involving a program or activity within the jurisdiction of the Member's assigned committees. Individual Member requests are those for work where the program or activity is not within the jurisdiction of the Member's assigned committees.

With respect to setting priorities, GAO considers the nature of the requested work in light of Senate and House rules governing the committees, including their appropriation, authorization, budgetary, and oversight jurisdiction over a program or activity. When jurisdictional issues arise, GAO will encourage Members and staff to consult with each other to resolve any related disputes. In doing so, they may seek a resolution through the Senate or House parliamentarian.

GAO devotes a limited portion of its resources for research and development that enables GAO to (1) invest in issues the Congress may need to address in the future and (2) provide products of broad institutional interest to the Congress. This work includes compendiums such as periodic reports on high-risk areas and other governmentwide major management challenges.

Congressional Mandates

GAO treats work that is directed by congressional mandates differently from congressional requests. Because congressional mandates are established by either the entire Congress or one or more committees, it is GAO's policy that products prepared in response to congressional mandates are issued without any restrictions (i.e., immediately available to the entire Congress and the public). When mandates direct GAO to report to a specific committee, GAO will work with the majority and minority of the designated committee to clarify our reporting objectives and time frames. If the mandate does not specify a committee, GAO will work with the committees of jurisdiction (majority and minority) as set forth in Senate and House rules and any other committees and/or Members identified by the committees of jurisdiction. GAO will meet with designated committees and Members regarding the scope and timing of work. While the work is ongoing, GAO will provide them (1) periodic status reports on the work, (2) briefings on the preliminary and final results of the work, and (3) notification before the draft product is sent to the agency for comment and offer a copy of the draft for informational purposes.

Congressional Requests

Congressional requests for GAO work must be made in writing by a Member and addressed to the Comptroller General. Members or their staffs are encouraged to consult informally with GAO representatives in developing requests for GAO work. GAO will do work without a written request only if the work involves limited technical assistance that can be completed within 5 staff days, such as providing briefings on prior work or readily available information. GAO will refer any person who wants a copy of a request letter to the Member who submitted it.

For requests that involve work on programs or activities relating to the internal operations of the Congress—the

Senate, House, or both—GAO will work with the requester to seek bipartisan support for such requests. If the request affects both Houses of Congress, GAO will work with the requester to seek bicameral support for the request from either (1) the senior leaders of the Senate and House or (2) the Chairs and Ranking Members of the Senate and House committees of jurisdiction over the congressional program or activity. If the request affects only one House, GAO will work with the requester to seek support for the request from either (1) the senior leaders of the affected House or (2) the Chair and Ranking Member of the committee(s) of jurisdiction over the congressional program or activity. When it is not possible to obtain bicameral or bipartisan support, GAO will work with the requester to notify the other House or party of the request before GAO commits itself to do the work. (See GAO-03-198G.)

Commitment to Congressional Requesters

GAO will provide to all Members who request work, within 10 business days of receipt, a letter acknowledging the receipt of the request and either accepting or declining it. This letter may be augmented by a verbal communication. When a request is accepted, GAO will provide the requester an estimate of when the job is likely to be staffed (e.g., immediately, within a few weeks, within several months, or at a future date to be determined). When a request is declined, GAO will provide the requester the rationale for declining the work (e.g., the requested work is outside GAO's scope of authority, GAO already has ongoing work addressing the issue, or resource constraints limit our ability to respond to a Member request). GAO will, where appropriate, suggest alternatives to meet the requester's needs. In consideration of its past practice for requests from GAO's oversight committees—Senate Governmental Affairs and House Government Reform—GAO will send a copy of our letter to either the Chair (if the Ranking Member submitted the request) or the Ranking Member (if the Chair submitted the request) of those committees.

Congressional requesters should not expect GAO to proceed with the request or provide additional services until GAO has informed each requester that it will accept the request. When Members submit independent requests on the same issue and GAO has not formally accepted the requests, GAO will consult with the Members and their staffs and will merge requests only if the requesters agree. Otherwise, GAO will issue separate products. In limited circumstances, however, GAO will work with the requesters to merge multiple requests it receives relating to a major event, such as a natural disaster or accident.

After accepting the request, GAO will initiate a meeting with the requester's staff within 20 business days of receiving the request to gain a better understanding of the requester's need for information and the nature of the research questions. During this meeting, GAO will also (1) discuss GAO's ability to respond within the desired time frame, (2) provide a verbal estimate of the level of GAO resources required, and (3) advise the requester that, as the original requester, only he or she can approve co-requesters. If this option is exercised, GAO will send a letter to the original requester and each co-requester documenting this agreement.

Once the requester and GAO have agreed to proceed with the request, GAO will provide the following to the requester:

- A letter confirming the agreements reached within 10 business days after GAO and the requester agree on the terms, including the need for a job design phase and a preliminary expected completion date.
- Periodic status reports; notification of any significant changed circumstances affecting the scope of work or related time frames for completing the work (e.g., availability, reliability, or access to agency records,

data or sources of information); and briefing(s) on the preliminary and final results of the work.

- The option to withdraw at any time sponsorship of work that is not intended to result in a written product (e.g., a report).

If GAO has agreed to produce a written product, GAO will:

- Notify the requester before a draft product is sent to the agency for comment and offer the requester a copy of the draft. GAO will provide the draft, for informational purposes, when it is sent to the agency for comment. By law, the Senate Governmental Affairs and House Government Reform committees may request a copy of any draft product generated under GAO's legislative authority (research and development work) when it is sent to the agency for comment. GAO will advise these committees when such drafts are sent to the agency for comment.
- Allow the requester an option to restrict the release of a product for up to 30 calendar days after the date the product is issued. This restriction does not preclude the requester from sharing the product with other Members.
- Inform the requester of the option to withdraw sponsorship at any time before the product is submitted for printing. GAO reserves the right to issue the product without reference to the requester when sponsorship is withdrawn.

Commitment to Co-Requesters

If any Member is interested in becoming a co-requester of GAO work, GAO will explain its policy on co-requests and refer the Member to the original requester. If the original requester agrees, the Member can become a co-requester any time before a product is submitted for printing. GAO will extend the same commitments to

co-requesters as to the original requester (see Commitment to Congressional Requesters). However, co-requesters cannot approve additional co-requesters or restrict the timing of the release of the product after it is issued.

Supporting the Congress' Institutional Interests

In limited circumstances, GAO may be unable to do the requested work on behalf of a particular committee or Member. These circumstances involve situations in which the request (1) addresses an important issue of broad interest to multiple committees or the Congress as a whole, (2) involves an issue that is a legislative priority or is on a fast legislative track, or (3) asks for a compilation of information which GAO has developed from a substantial body of prior work and/or work originally requested by others. In such cases, GAO will advise the requester that it cannot do the work as a request but will instead address the issue as part of GAO's research and development work.

On rare occasions, the results of ongoing congressionally requested work may be important and relevant to pending legislation (e.g., when GAO has information which could inform the legislative debate on the Senate or House floor) or other institutional interests. In such cases, GAO reserves the right, after consultation with the requester, to make the information or product generally available regardless of a restriction placed on its release. In these cases, GAO will promptly notify the requesters why, when, and to whom the information or product will be released.

Notification of Ongoing Work

For ongoing work—except for classified work and investigations—GAO will disclose, if asked (e.g., by Members, congressional staff, agencies, or the press), the source of the request and the project's objectives, scope, and methodology. Additionally, all congressional

offices have, through Senate and House intranet connections to GAO, access to the objectives, scope, and methodology of active GAO assignments, except for those cases where the reporting of such work would result in disclosing classified or other sensitive information. Active assignments are those that have been staffed.

Obtaining Agency Comments

As required by generally accepted government auditing standards, GAO will hold an exit conference with agency officials at the end of the data collection and analysis phase to (1) validate the factual accuracy of data gathered and (2) discuss the implications that flow from them. Also, GAO will give agencies and other directly affected parties the opportunity to officially comment on a draft report to which they are a party (other than reports that largely reflect prior GAO work). The substance of those comments will be published in the report along with GAO's assessment.

GAO prefers written comments but will accept oral comments. Although GAO may give an agency up to 30 calendar days to comment, GAO may attempt to obtain comments in shorter time frames, depending on the product timing needs of the requester and the complexity of the issues involved. In rare cases, the Comptroller General may grant an extension beyond 30 calendar days if the agency shows that an extension is necessary and will likely result in a more accurate product.

GAO will not provide an opportunity to comment in cases where (1) disclosure of an investigation's results could pose risks to individuals and their confidentiality or (2) premature disclosure of information could compromise the results of the work.

Termination of Work

If requesters or co-requesters decide to withdraw their support of GAO work that will not result in a written product (e.g., a report), they may do so at any time. If a written product has been planned, the requesters or co-requesters must advise GAO of their withdrawal before the product is submitted for printing. Their withdrawal will not result in the termination of a product if significant resources have been expended and/or the product is in the public interest. GAO will, under these circumstances, issue a product as if it were undertaken on its own authority. The product may be addressed to committees of jurisdiction or the affected agency. Copies of such products will be sent to the committees of jurisdiction and will be available to other interested parties and the public.

Product Release

All congressionally requested products will have a targeted issuance date. GAO will notify requesters approximately 30 calendar days before they are to receive a product and accommodate their requests for restrictions on the release of the product of up to 30 calendar days after the issuance date. GAO will grant extensions beyond the 30 calendar days only in limited cases (e.g., a change in the date of a hearing related to the report). GAO reserves the right to release any product that has been issued but is under restriction if it is leaked or otherwise made publicly available. In addition, GAO reserves the right to release drafts of products that have been leaked or made publicly available. In such cases, GAO will advise requesters prior to the release.

Workpaper Access

GAO will grant Members, upon their written request, access to its workpapers at the GAO site or will provide copies of selected workpapers only after a product has been made publicly available. This is subject to legal and privacy considerations, such as those concerning

taxpayer return information, protected banking information, grand jury information, and credit card accounts listed in travel vouchers.

Requests for Testimony

Requests for GAO testimony should be made by a committee Chair in writing. GAO will strive to respond to all congressional requests for testimony. However, GAO will decline an invitation to testify when (1) GAO cannot produce a testimony that conforms to its core values and standards or (2) the substance of the GAO testimony would be new information developed for another committee or Member who wants to restrict the information until its public release. In cases of multiple requests for testimony involving the same subject matter, GAO will testify on the date of the first hearing held and will be available to testify at any subsequent hearings. For testimony based on new work, regardless of whether it is a preliminary or final product, GAO will, consistent with professional auditing standards, hold an exit conference with agency officials before the written testimony is completed to (1) validate the accuracy of data gathered and (2) discuss the implications that flow from the data. GAO will distribute its written testimony in accordance with the rules of the Senate or House, including the committees' rules, and be available to brief the majority and the minority on material facts, major findings, and recommendations relating to any new work.

Detailees to the Congress

By law, GAO staff can be assigned on detail only to congressional committees, not to leadership or personal offices. GAO staff may not engage in partisan activities or discussions. Committee requests for GAO detailees should be in writing and be for specific purposes for a period not to exceed 1 year. All detailees must be approved by the Comptroller General in a manner

consistent with the applicable rules and policies of the Senate or House.

Press Policy

In response to media inquiries about ongoing work, GAO will provide information only about the objectives, scope, and methodology of an assignment; the names of the requesters; and the expected completion date. GAO will refer inquiries for any additional information to the requesters. As a professional courtesy, GAO will inform requesters of substantive media inquiries during an ongoing assignment. Once a product is publicly released, GAO staff with expertise in the subject matter will answer questions from the media when asked. On-camera interviews for television news programs are done only on request and only when GAO deems them appropriate for public understanding of the facts, findings, conclusions, and recommendations of GAO products. GAO's policy is that senior executives with the broadest knowledge of a completed assignment do such interviews. Before GAO agrees to do an on-camera interview, GAO will advise the requesters of the media source and the expected date and time. If asked to participate in press briefings sponsored by requesters, GAO will provide support if the press briefing is held in Washington, D.C. In such instances, GAO will provide knowledgeable staff with the understanding that they are present only to answer questions about the specifics of released GAO products. GAO does not hold press conferences or issue press releases about products, but it does advise the media and the public of the release of GAO products via the World Wide Web and other venues.

Investigations

GAO has an Office of Special Investigations that (1) investigates referrals concerning specific allegations of federal fraud, waste, abuse, or misconduct and (2) conducts specific projects that require special investigative tactics. It is GAO's policy to conduct

investigations according to standards established by the President's Council on Integrity and Efficiency (PCIE) as adapted for GAO's work. PCIE standards place upon GAO and its investigators the responsibility to ensure that (1) investigations are conducted by personnel who collectively possess the required knowledge, skills, and abilities to perform the investigations, (2) judgments made in collecting and analyzing evidence and communicating results are impartial, and (3) due professional care (e.g., thoroughness, appropriate use of investigative techniques, impartiality, objectivity, protection of individual rights, and timeliness) is exercised. GAO's congressional policies and protocols apply to all investigative work conducted by the Office of Special Investigations unless an exception is specified herein or noted in advance.

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